

THE
Great Case
OF
TYTHES

Truly stated, clearly opened, and
fully resolved,

By *Anthony Pearson.*

The Third Edition, corrected and amended.

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*To the Countrey-men, Farmers, and Husband-men
of England:*

IT is for your sakes that this small treatise is sent a-broad, that in a matter wherein you are so much concern'd, you might be truly informed: And because there are many differing opinions, and of late yeers have been great disputes concerning the right of tythes, which makes the case seem difficult to be resolved, I have given you the substance of all that ever I could finde written, or hear discoursed touching that point; and for more then two yeers last past I have made much inquiry into it; and if they who have something to say for them, which is not herein touched, or in some general head comprehended, it shall be acceptable to me to receive it.

The Method of the Discourse.

First, I have begun with tything amongst the Jews, which either in precept or example, is the foundation for all others.

Secondly, I have given you a short view of the Doctrines, Opinions, Decrees, and Practises of the Primitive Church concerning them, and from thence downward until this day, which is enough to clear the whole point.

Thirdly, Out of which having made some short Observations, I state the case, as it concerns us in *England*.

Fourthly, And then hearing what every one hath to say for them, and giving them particular Answers;

Fifthly, I proceed to satisfie some great objections, and so conclude the whole in as much brevity, as the variety of the subject would permit.



(1)

O F
T Y T H I N G
AMONGST
T H E J E W E S.

GOD having chosen *Aaron* and his sons for the Office of the Priesthood, and the rest of the Tribe of *Levi* for the service of the Tabernacle, he gave unto the *Levites* all the tenth in *Israel*, for an inheritance for their service, and they were to have no inheritance among the children of *Israel*.

And the *Levites* out of their *Tythes* were to offer up an Heave-offering of it for the Lord, even the tenth part of the *Tythe*, and give it unto *Aaron* the Priest for himself and his sons; and no other portion had the Priests out of the *Tythes*, but they were for the *Levites* that did the common services of the Tabernacle, for the strangers, for the fatherless and the widowes.

Besides the tenth of the *tythe*, the Priests had the first ripe fruits of the ground, of Wheat, of Barley, of Figs, of Grapes, of Olives, of Pomegranates, and Dates, at what quantity the owner pleased; a Heave-offering also of corn, wine, oyl, fleeece, and the like were given to the Priests at the 60. part, sometimes at the 50. or more, at the devotion of the owner.

Of Cattel also the first-born were the Lords, paid to the Priests, of clean beasts in kinde, of unclean in money, with a fifth part added: Also divers parts of the sacrifices were appointed for the Priests.

But no *tythe* did the priests receive of the people; for those belonged to the *Levites* that were appointed over the tabernacle, and the instruments thereof, to bear it, to take it down, and set it up; to serve *Aaron* and

Duar. 18.4.
Ezek. 45.13.

Ezad. 33.1.

and his sons, and to do the Services of the tabernacle, and keep the instruments thereof, and their service chiefly was upon removing of the Host; for better ordering whereof, and every ones service, they were divided into three parts, the *Kohathites*, the *Gershonites*, and the *Merarites*; and these received *tythes* of the people, and out of them a tenth part they delivered to the priests.

Afterwards when *Solomon* had builded a temple, and placed the Ark therein, other offices were appointed for the *Levites*; one part of them were to be singers, another to be porters, and to take the charge of the gates of the Temple; another to be keepers of the treasury; others of them also were placed abroad in the countrey; on the West-side of *Jordan* 1700. and on the East-side 2700.

By this time also the posterity of *Aaron* being much increased, the priests were divided into 24. ranks or courses, according to the names of their Families; and every ones attendance was required by turns; and hereupon *Zacharias* is said to be of the course of *Abiasah*, and to execute the priests office, and burn incense as his turn came; *Luke* 1. and the first of the first rank had the pre-eminence, and was the High priest; and so every one according to their precedence were preferred.

The *Levites* that were singers were divided as the priests into 24. ranks or courses; the porters into five parts, one part to every of the four gates of the temple, and the fifth to *Asuppim*, (i. e.) the *Counsell-house*.

The treasury was generally committed to one, as the chief; but under him to two sorts of other officers; one to keep the treasuries of the House of the Lord, and those things that were offered to the Lord, and the other to keep the dedicate things: In these treasuries were put the second tythes, the offerings of all sorts of people, which were for the uses and services of the temple, for the fatherless, the stranger, and the widow.

After the captivity and new dedication of the temple, it appears that in many particulars their Lawes, Ordinances, and Customs were very much changed, especially in this of tything: But not being much pertinent to this discourse, I shall pass them over; onely from these short hints let the Reader understand, that though the priests and Levites were both of the tribe of Levi, yet was the priesthood settled in the sons of *Aaron*, and the offices of the priests were quite different from the Levites, and so was their maintenance distinct, as before is herein plainly shewed.

These Priests and Levites being separated for the work of the Lord, in the tabernacle and in the temple, they ministered according to the Ordinances of the first Covenant, which were figures for the time then present, and shadowes of good things to come. A

A View of the Doctrines, Decrees and practices of TYTHING, from the Infancy of the Christian Church untill this day.

Byin the fulness of time God raised up another Priest, Christ Jesus who was not of the tribe of Levi, nor consecrated after the order of Aaron; for he pertained to another tribe, of which no man gave attendance at the Alter, who (having obtained a more excellent Ministry of a greater and more perfect tabernacle, not of the former building, being the sum and substance of all the patterns of things under the first covenant) put an end to the first Priest-hood, with all its shadows, figures and carnal ordinances, and changing the Priesthood which had a command to take tythes of their brethren, there was made of necessity also a change of the Law, and a disanulling of the commandment going before, which was but imposed untill the time of reformation.

And the Apostles and Ministers of Christ Jesus, when he had finished his Office upon earth, by offering up himself through the eternal Spirit, a sacrifice without spot unto God, did not look back to the Ordinances of the former Priest-hood, but testified an end was put to them, and witnessed against the temple wherein the Priests ministered, for which Stephen was stoned to death, against circumcision, saying, It was not that of the flesh; against the Passover, Priests, &c. and preached up Christ Jesus and his Doctrine, the new and living way, which was not made manifest while as the first taberacle was standing: Nor did they go about to establish the Law by which tythes were given in the former Priesthood, but freely they preached the Gospel which they had received, and did not require any settled maintenance, but lived of the free offerings and contributions of the Saints, who by their ministry were turned to Christ Jesus.

At Jerusalem and thereabouts, such was the unity of heart amongst the Saints in the Apostles time, that all things were in common, and none wanted; and as many as were possessors of Lands or Houses sold them, and brought the price and laid it down at the Apostles feet, and it was distributed unto every man according as he had need.

So the church, gathered by Mark at Alexandria in Egypt, followed the same rule as the Saints did at Jerusalem, having all things in common: And Philo Judaeus a famous Author of that time reporteth, that not only there, but in many other provinces, the christians lived together in societies.

In the churches at Antioch, the Saints possessed every man his own estate; so likewise in Galasia and Corinth, where the Apostle ordained that weekly offerings for the Saints should be made by every one as God had blessed him; and by these offerings (which were put into the

Act 4.3.4.

*Hieron. in vita
Marc.*

Actis II. 29.

2 Cor. 16. 2. the hands of the Deacons of the Churches) were all the services and needs of the Church supplied.

Vide Synod. Gangr. Can. 60. By example of these the course of monethly offerings succeeded in the next Ages, not exacted, but freely given at the bouny of every man, as appears plainly by Tertullian in *Apologet.* Ch. 39. where upbraiding the Gentiles with the piety and devotion of Christians, he saith, *Whatsoever we have in the treasury of our Churches, is not raised by taxation, as though we put men to ransom their Religion, but every man once a member, or when it pleaseth himself, bestoweth what he thinkes good, and not without he lesseth; for no man is compelled, but left free to his own discretion: and that which is given is not bestowed in vanity, but in relieving the poor, and upon children desitute of parents, and maintenance for aged and feeble persons, men wracked by sea, and such as are condemned to the Messal-mines, banished into Islands, or cast into prison, professing the true God, and the Christian Faith.*

Euseb. lib. 4. gen. Cyprian, and others. And this way of contribution continued in the church till the great persecution under Maximinian and Diocletian, about the year 304. as Eusebius testifieth, which also appears by the writings of Tertullian, Ori-

Ch. 22.

About this time also some lands began to be given to the church, and the revenue of them were brought into the treasury of the church, and belonged to the church in common, and was distributed as other offerings, by the Deacons and Elders; but the Bishops or Ministers medled not therewith: for Origen saith, *It is not lawful for any Minister of the church to possess lands (given to the church) to his own use; And called on Genesis, fol. to the Ministers, Let us depart from the Preists of PHAROAH, who enjoy earthly possessions, both the Preists of the Lord who have no portion in the earth. And in another place he saith, It behoveth us to be faithful in disposing the rents of the church, that we ourselves devour not those things which belong to the widows and the poor, and let us be content with simple dyer and necessary apparel.* And Urban Bishop of Rome Anno 227. did declare, *That the church might receive Lands and Possessions offered by the faithful, but not to any particular mans benefit, but that the revenues thereof should be distributed as other offerings, as need requireth.*

Cyprian Epist. 27. 34-36. *Cyprian, Bishop of Carthage, about the year 250. also testifieth the same, and sheweth that the church maintained many poor, and that her own dyer was sparing and plain, and all her expences full of frugality.*

Lib. 23. de vita contemplativa. Prosper also saith, *That a Minister able to live of himself, oughe not to participate of the goods of the church; for saith he, They that have of their own, and yes desire to have somwhat given them, do not receive it without great sin.*

Con. Ant. c. 25. The Council at Antioch, Anno 340. (finding that much fault had been among the Deacons to whom it properly belonged) did ordain that

that the Bishop might distribute the goods of the church , but required that they took not any part to themselves , or to the use of the priests and brethren that lived with them , unless that necessity did justly require it , using the words of the Apostle , Having Food and Raymens , be merciful consent .

In these times , in many places the christian converts joyned them selves in Societies , and chose a separated life , selling what they had , and living together in common after the example of the former saints a- bout Jerusalen , as Chrysostome notes , who lived about the year 400 . by Saviliana , pag . whose writings it also appears , that there was not the least use or prac- 897 .
tice of the payment of tythes in those former ages .

The church now living altogether by free offerings of Lands , money , Homil . 43 . ad and goods , the people were much pressed to bountiful contributions Epist . 1 . ad Co- for holy uses , as may be seen by the writings of Hierome , & Chrysostome , which in cap . 16 who brought the Jewish liberality in their payments of tenths , for an example , beneath which they would not have Christians determine thier charity , where Chrysostome fayes , he speaks these things not as commanding or forbidding that they should give more , yet as thinking it fit that they should not give less than the tenth part . Hierome also doth Ad cap . 3 . earnestly admonish them to give bountifully to the poor , and double Malachia . honor to him that labours in the Lords work ; not binding at all to offer this or that part , leaving them to their own liberty , but pressing they might not be more short then the Jews were .

Ambrose who was Bishop of Milan about the year 400 . preached up for 2 . post dom . tenths to be offeted up for holy uses , (as the phrase was then) as may 1 . quadragesi- be seen in his Sermon of Repentance , but his authority he produceth mas & vido wholly from Moses writings , and quotes divers sentences , and threatens Serm . in A- the people that if they would not pay their tenths , God would reduce Sern . Domini . them to a tenth .

In like manner *Augustine* Bishop of Hippo , hath a whole Homily for In Serm . de . the right of tythes , who calls upon those that have no fruits of the earth , to pay the tenth of whatsoever they live by ; and faith , the neglect of payment of tythes is the cause of sterility and blasting ; & agrees with *Ambrose* in his threats , that God would reduce them to a tenth ; & tells them , that not paying their tythes they shall be found guilty at Gods tribunal , of the death of all the poor that perish through want in the places where they dwell ; and bids them that would either get reward , or deserve the pardon of their sins , to pay their tythes . These two great Bishops agree , and from the Law given to the Israelites , take their whole Doctrine , and their own opinion impose with so heavy penalties : but yet take notice to what end they required them , that the

Tom . 5 . Serm .

temp . in Tom . 10 .

Hac est (saith he) Domini iustissima consuetudo , ut si in illi decimam non dederis , tu ad decimam reverteris

And afterward with much earnestnesse , Decime ex debito requiriuntur ; & qui eas dare noluerit , res alienas invasit ; & quanis pauperes in locis ubi ipse habitat illo decimas non dante , fa me mortui fuerint , sancitorum homicidiorum rebus ante Tribunal aeterni Judicis appetebit , quia a Domino pauperibus delegatur suis nubus reservavit . Qui ergo sibi aut premium comparare , aut peccatorum desideras indulgenciam pro- mereri , reddat decimam .

poor

poor might not want ; and saith that God hath reserved them for their use.

* *Zo*, (called the great) who was Pope from 440 to 460 was likewise very earnest and large in stirring up every mans devotion to offer to the church , part of his received fruits; but speaks not a word of any certain quantity, as may appear by his Sermons *De jejunio decimi mensis* ¶

* *Eleemosynis*

Sererin also, about the year 470. stirred up the Christians in *Pannonia*, who in example of his bounty , gave the tenth of their fruits to the poor.

Hom. 16. in E vang. & diff. 5. de consecras. c. 16. Vt. in lege jubemur Domi no decimam re sum dare.

Gregory not only admonisheth the payment of tythes from *Mosis* Law, but also the observing the time of *Lent*, consisting of six weeks, out of which take the Sundays, and therer remains thirty six dayes , the tenth part of the year, fractions of dayes ommitted; this tenth of time he would have given to God , saying, *We are commanded in the Law to give the tenth of all things unto God.*

And from the Opinions of these and other ancient Fathers, who took their ground from the Law, Tythes, Easter, Pentecost, and other things, came to be introduced and brought into the church.

As is testifed by Agabord great Bishops of that time, it was not a generally received Doctrine that *Bish. of Lyons*, tythes ought to be paid, nor til about the year 800. was any thing by the a highly esteem- then church determined or ordained touching the quantity that should ed man, in his be given, though (no doubt) in many places among the offerings of *treasurie De dif- fuses* the devoutest sort, tenths, or greater parts of their annual encrease were given, according to the Doctrine of *Ambros* and others.

contra Sacrae- gos. pag. 276. The offerings of the church in those ages were received and dis- posed of in maintenance of the Priests, and relief of those that were di- kressed ; neither had the Priests such a particular interest in the profits Be not offended received, as of late time they have usurped ; all that was received where- at the word foever in the Bishoprick, was as a common treasury, and was dispensed *Precis*; no other one fourth part to the Priests, out of which every one had his Portions can be given to another fourth part to the relief of the poor, sick, and strangers; a third this age, for the to the building and repairing of places for publik meetings, called *ciste* as then it churches : and the fourth to the Bishop. And generaly then the Bi- was given to shop lived in some Monastery, and his clergy with him, from whence he them, suit was sent them out to preach within the Countryes in his Diocese, & there owned by them, they received such offerings as were made, and brought them to the trea- I call it church fury.

because it was And although divers of the Fathers, Popes, and Bishops did declare then iso estiem that tythes were due, and ought to be paid, none of the first eight gene- eral Councils of the church did ever so much as mention the name of such words as tythes, or declare them a duty: the ninth, held at *Laseran*, under P. may give the *Calixtus* the second, about the year 1119. mentions tythes, but speaks on- Keder a know- ly of those which had been given to the church by special consecration, iedge of what I so doth also the council held under P. *Alexander* the third *An. 1180.* say.

but

but that only inhibits appropriations to Religious houses, without assent of a Bishop; for at that time people being led to believe that their *tythes* ought to be given for the use of the poor, did chiefly dispose them to the Heads and Governors of religious Houses, who kept open Hospitality for the poor, and entertainment of strangers, and were esteemed holy, as good Treasures for the needy, who took care of distribution of them, as is testified by *Casian* the Hermit. But that Council seeing much given to the poor, & little to the priests, made that Decree to restrain the peoples freedom; and indeed by this time much wickedness was crept into these Houses, as Histories relate.

Nor was any Law, Canon, or Constitution of any general Council as yet found, that purposely commanded the payment of *tythes*, nor any that expressly supposed them a duty of common right, before the Council of *Lateran*, held in the year 1215, under P. *Innocent* the third; about which time the Popes Authority was grown powerful, and the Canons more received into practice, than before were little, especially here-in, obeyed.

About the years 800, 900, 1000, and after, *tythes* were called the *Lords goods*, the patrimony of the poor, &c. Whence also the Council at *Nantes* declared the Clergy was not to use them as their own, but as commended to their trust; and they were not then given for the Clergy, but to be disposed of, for the uses of the poor.

And at this time no regard was had to the nature of the increase; but whatsoever did arise in profit, whether by trade, merchandize, or Husbandry, the tenth was required to be paid for *tythes*.

But still the people had more mind to give them for the poor, rather than the priests, as may be understood by the complaint of pope *Innocent* the third, who cryed out against those that gave their *tythes* and first-fruits to the poor, and not to the priests, as hainous offenders; his own words take in the margin.

Also by a general Council held at *Lyons* under Pope *Gregory* the tenth in the year 1274, it was constituted, that it should not thenceforth be law full for men to give their *tythes* of their own pleasure where they would, as it had been before, but pay all their *tythes* to the Mother-Church. By these it may be seen, that though the people, who then were generally papists, did believe they ought to

B pay

*Res dominice, dominica substantia,
Dei census, Patrimonia pauperum,
tributa egenorum animarum, stipendia
pauperum, hospitium peregrinorum.*

*Non quasi suis, sed quasi commendati,
non ab hominibus, sed ab ipso Deo
sum influisse.*

*He, preaching on Zacheus charity,
faith, Dedit proprium, & reddidit
alienum. Graviter ergo peccant qui
decimas & primicias non reddunt Sa-
croidibus, sed eas pro voluntate distri-
bunt indigenibus.*

*Per nulli hominum deinceps licetas de-
cimas suas ad libitum us ante ubi vel-
let assignare, sed Matrici Ecclesie om-
nes decimas perfoluerent.*

pay them, yet were they free to dispose them where they pleased, till these Popish Councils restrained their liberty.

Non sunt ferendi qui variis artibus decimas Ecclesiis ubi videntur substrahere moluntur, aut qui ab aliis solvendas temere occupant, & in rem suam vertunt; cum decimatum solutio debitis sit Deo, & quia eas dare noluerint, aut dantes impediunt, res alienas invadunt: Præcipit igitur sancta Synodus, omnibus cuiuscunq[ue] gradus & conditionis sine, ad quos decimorum solutio spectat, ut eas (ad quas de jure serventur) in posterum Cathedrals ant quibuscumq[ue] alii Ecclesiis vel personis, quibus legitime debentur, integre persolvant: Qui vero eas aut substrahunt, aut impediunt, Excommunicetur: Nec ab hoc crimine, nisi plena restitutio secula absolvantur.

But the great Decree which speaks most plain, and till which nothing was given forth which did directly constitute them, but rather still supposed them as due by some former right, was made at the Council of *Trent* under pope *Pius* the fourth, about the year 1560. And yet that great Council followed the doctrine of their Father, and said, they were due to God, and had no new Authority for their great Decree which they commanded to be obeyed under the penalty of excommunication.

Having thus briefly run over the Ecclesiastical State abroad, from the infant-purity of the Church, to the heighth of the papal Dominion, and given a small glimpse through every Age to the point in hand, I shall now more particularly return to what may concern this Nation.

I shall not trouble the Reader with a relation of *Joseph of Arimathea* and his eleven disciples coming into *Britain*, sent by *Philip* the Apostle in the reign of *Arviragus*, as Histories report; nor of the conversion of King *Lucus* afterwards, who is said to give great Endowments to the Church: Nor of the *British Christians*, nothing at all appearing of the payment of *tythes* in their dayes: But passing by them, and those many yeers wherein the barbarous *Saxons* overran this Nation, exercising most cruel persecutions, till the very name of *Christian* was blotted out, and those Heathens seated in the quiet possession of a sevenfold Kingdome in this Land.

About the year 600. or soon after, *Gregory* the first then pope of *Rome*, sent over *Augustine* the Monk into *England*, by whom *Ethelbert* King of *Kens* was converted; and by him and his followers in proces of time, other parts of the Nation, and others of the Kings, were also brought to their Faith. This *Augustine* was a Canon-Regular, and both he and his Clergy for long time after followed the example of former Ages, living in common upon the Offerings of their Converts, & those that received them were joyned in societies in imitation of the primitive practice, having such direction sent him by pope *Gregory*, that in the tenderness of the *Saxon Church* he & his Clergy shoule still imitate the community of all things used in the primitive times, under the Apostles, that they might not make their Religion burthen som.

But afterwards, having brought a great part of the Nation to their faith, they began to preach up the old Roman doctrine, That *Tythes* ought

ought to be paid; and having taught the people that the pardon of sin might be merited by good works, & the torments of hell be avoyded by their charitable deeds, it was no hard matter when that was believed, to perfwade them not onely to give their Tythes, but also their Lands, as the outward riches of those called Religious Houses then here and elsewhere may testify: for in this Nation they & the Clergy had almost gotten the third part of the whole Land: and so besotted were the poor ignorant people, that had not a Law against *Mortmain* prevented it, a far greater part of the Nation had been in their hands.

As concerning Lawes and Canons for *tythes* among the *Saxons*, it is reported that in the yeer 786. two Legates were sent from pope *Hadrian* the first, to *Offa K. of Mercia*, and *Elfwele K. of Northumberland*, who made a Decree, that the people of those two Kingdomes shoulde pay *tythes*.

Also that *Eselulph, K. of the West-Saxons*, in the yeer 855. made a Law, That the *tythe* of all his own lands should be given to God and his servants, and shoulde be enjoyed free from all taxes: Great difference is among Historians about this Grant, few agreeing in the words or substance of it, as *Selden* fthewes, some restraining it to the tyth of his own Demense Lands; others to the tenth part of his Land; others to the *tythe* of the whole Nation. At that time the Nation being under great and *Pro mea reme* heavy pressures by *Danish* irruptions, intestine wars, great spoyles and *dio anime* & miseries, he called a Council, where were present *Bernodus K. of Mercia Regni populi* & *Edmund K. of East-Anglia*, and they to remove the heavy judgments li. then over them, granted the *tythe* of all their land to God and his servants.

K. Athelstons, about the year 930. *K. Edmund* about the year 940. *K. Edgar*, about the year 970. *K. Ethelred*, about the year 1010. *K. Knute*, about the year 1020. *Edward the Confessor*, and others of the *Saxon* Kings, made several lawes for *tythes*, as Histories report.

The *Normans* afterwards entring this Kingdom, & subduing it to themselves, *William the Conqueror* confirmed the Liberties of the Church; so did *H. the first*, *H. 2. K. Stephen*, and it may be others of the succeeding Kings did the like.

Some Episcopal Constitutions also have been made to the same effect by *Robert Winchiflsey* Arch-Bishop of *Canterbury*, and others.

That the Reader may understand the Principles upon which these men acted, and the Doctrine then preached amongst them, and received and believed, I have inserted in the Margin the Preamble of a Grant of King *Stephen*.

*Quoniam Divina Misericordia prouidente cognovimus effo dispositum, & longe latet; predicante Ecclesiâ, sonat omnium auribus divulgatum, Quod, Eleemosynari largizitione, possunt absolvâ vincula peccatorum, & adquiri Celestium premia gaudiorum: Ego Stephanus Dei gratia Anglorum Rex, parie habere volens cum illis qui felici commercio Cœlestis pro terrenis Commissari, Deo amore compunctus, & pro salute anime mee, & patris mei Matriq; meæ, & omnium parentum meorum, & antecesorum, &c. And so he go on, & confirms divers things that divers had granted to the church as *tythes* & other things.*

*Perdiderit anciortius nostram, quod
mulii in Diocesi tua, decimas suas
integras vel duas partes ipsarum nos-
tissimis Ecclesias in quarum Parochiis ha-
bitant, vel ubi prædicta habent, & a qui-
bus Ecclesiasticis percipiunt Sacramen-
ta, per solvunt; sed eas alio, pro sua di-
stribuant voluntate: Cum ergo incon-
venient esse videatur & a ratione dis-
simile, ut Ecclesia que spiritualia seminat,
meum non debeat a suis paro-
chianis temporalia & habere, fraterni-
tati tuae Authoritate preliminari indul-
gamus ut licet tibi super hoc, non ob-
stante contradictione vel appellatione
enjuslibet, seu consuetudo hactenus ob-
servata, quod Canonicum fuerit, ordi-
nare & facere, quod Statutus per censu-
ram Ecclesiasticanam firmiter abligare.
Nulli ergo, &c. Confirmationi, &c.*

Datum Lateran. 11. Nonas Iulii.

But notwithstanding the many Laws, Canons and Decrees of Kings, popes, Councils & Bishops, that every man ought to pay the tenth part of his increase, yet was it left to the owner to confer it where he pleased, which made so many rich Abbeys and Monasteries; and till the year 1200. or thereabouts, every one gave their tythes at their own pleasure: which made pope Innocent the third send his Decretal Epistle to the Bishop of Canterbury, commanding him to enjoin every man to pay his temporal Goods to those that ministered spiritual things to them; which was enforced by Ecclesiastical censures: And this was the first beginning of general parochial payment of tythes in England: I have inserted the popes own words in the Margin, as they are recorded by Cook in the second part of his Institutes, who saith, That because the popes Decree seemed reasonable, it was admitted and enjoined by the Law of the Nation, King and people being then papists.

This Decree of the pope receiving all possible assistance from the Bishops and the priests, in whose behalf it was made, did not only in a short time take away the peoples then claimed right, to give their tythes to those that best deserved them, but did also so much corrupt the Clergie, that in the time of R. the second, Wickliff our famous Reformer, did make a heavy complaint to the Parlaments, which in his own words I have inserted, for the Readers better satisfaction: *Ah Lord God! where this be reason to constrain the poor people to finde a worldly Priest, sometimes unable both of life and cunning, in pomp and pride, covetise, and envy, gluttonnes, drunkennes, and lecherie, in symony and heresie, with fat horse and jolly, and gay Saddles and Bridles ringing by the way, and himself in costly clothes and peiture, and to suffer their wives and children, and their poor neighbours perish for hunger, shirft and cold, and other mischiefe of the world: Ah Lord Jesu Christ, sith within few years wen paid their Tythes and Offerings at their own will, free to good men, and able to great Worship of God, to profit and fairnes of holy Church fighting in earth; why it were lawfull and needful that a worldly Priest should destroy this holy and approved custome, constrainning men to leave this freedome, turning Tythes and Offerings unto wicked uses.*

That the meaning of these, and the practice of this Nation in this matter may be the better understood, it is needful to inform the Reader, that when the Pope's Doctrine was received in a Nation, that Nation was divided into so many Bishopricks as were needful, & every Bishoprick into so many parishes as were thought convenient, and parishes are but of late erection, and till then most Preachers were sent out of the Monaste-

178

Mohasteries & religious (so called) Housers, and the people did at their own free will give their tythes and offerings where they pleased, which liberty they enjoyed till about the year 1200. And though it was generally believed, that tythe's ought to be paid, yet did no man claim any property therein, but every owner of the nine parts was required to give the tenth part to the Priest or poör, as due unto God.

But now the Pope having set up parishes, did enjoyn, that a Secular Priest canonically instituted, should attend the service of each Parish; and that where tythes were not already settled, they should be paid to the Parish Priest, notwithstanding any custom to the contrary; the people then generally being Parishes, did yield obedience, as they durst not do otherwise; and it may easily be supposed, that having perswaded the people to pay tythes, it was no hard matter to appoint the person to whom they should be given.

Parishes being set up, Priests appointed, and tythes paid to them after forty years possession, what before was owned as a gift, was now claimed as a debt; and prescription was pleaded by the priests as their just title: the people then seeing themselves in a snare, began to contend, but the Imperious Pope (now in a great height of pride and insolence to uphold this Creature-Clergy) thundered out his interdict against this Nation, excommunicated the King, grieved the Subjects with his Bulls stuft with Commination, and that against the very point of arbitrary disposal of tythes: And Rome now grown formidable, did highly insult over Kings and Princes, witnesse Frederick, Barbarossa, Hen. the 6th. and other Princes of the Empire, and the stories of our H. 2. and K. John, are obvious. And our Rich: the first to gratifie the Clergy for their exceeding liberality in contributing to his ransom from captivity, with great favour gave them an indulgent Charter of their Liberties, and in this advantage of time the canon-Laws gained such force, that parochial-payment came generally to be settled.

Yet notwithstanding our English Parliaments now willing wholly to forget the poor, for whose sake tythes were chiefly given, did make divers Laws, that a convenient portion of the tythes should be set a-part for the maintenance of the poor of the Parish for ever, R. 2. 15.6.4. H. 4. as the Statutes at large do witness.

The Pope having by these means brought in tythes and made a pretended title by prescription, set up courts to recover them, which were called Ecclesiastical courts, where his own creatures were judges, and here the poor people might easily understand what they might expect from them; yet he that did not pay, no great punishment could they inflict on him, but excommunication out of their church.

The Pope by all means willing to favour his chiefeft props, notwithstanding his general Decree, could tell how to dispence with his own Laws at his pleasure, and therefore frequently did grant exemptions.

to divers Orders to free them from payment of tythes; witness the Hospitallers, Cistercians, Templers, and generally to all Lands held in the occupation of the called religious persons and Houses, which is the ground of all those mens claims, who have bought the Lands of dissolved Monasteries, &c. and say they are tythe-free.

When the Pope by colour of the Jewish Laws (by which tythes were given to the Levitical priesthood) had gained an universal payment of tythes to all his clergy, in further imitation of the earthly tabernacle, he sets up a new building after the former pattern, and therefore to himself he claims first-fruits and tenths as a successor of the Jewish High-Priest: sins also he undertook to pardon; Cardinals also he appoints as Leaders of their Familices; Myters they wear on their heads, as *Aaron* did; Synagogues they build, with Singers, porters, &c. and into the form of the Levitical priesthood they transform themselves, thereby wholly denying Christ Jesus the end of types and figures, to be come in the flesh.

Afterwards H.8. King of England being a Papist, and believiusg the Pope's Doctrine, as also did his Parliament, that tythes were due to God and Holy Church, made a Law that every one should set out and pay his tythes.

And seeing this is the great Law, and the first of our Parliament-Laws for tythes, and that upon which the rest are grounded, I shall here insert the preamble of it.

Forasmuch as divers numbers of evil-disposed persons, having no respect to their duties to Almighty God, but against right and good conscience have attempted to substract and withhold in some places the whole, and in some places great parts of their Tythes and Oblations, as well personal as predial, due unto God and Holy Church, &c.

A second Law in his time was also made to the like purpose, and in pursuance of the former, and great reason he had, and need there was for them; for having dissolved many Monasteries, who had many tythes and Rectories appropriated to them, and either had them in his own hands, or sold them to others, to be held as lay-posseessions, and they having no law whereby to recover them, the Pope's laws not reaching to Lay-persons (so called) he was necessitated to make new laws to enforce the payment of them; which the better to colour over the matter, he makes in general terms, but still restrains the tryal of tythes to the Ecclesiastical Courts.

After him Edw. the sixth, in pursuance of his fathers laws, and upon the same grounds makes another law for the payment of predial and personal tythes, under penalty of double damages and cost, who also restrains the tryal to the Ecclesiastical Courts. These laws suppose that tythes

tythes were due to God and Holy Church, and therefore they require that every man do yeild and set out hi. tythes, as hath been accustom'd.

In pursuance of these laws some Ordinances were made in the time of the long Parliament, in the exigences of the War, because the courts of Justice was obstructed.

All these are the substance of our English Laws concerning Tythes.

Having thus generally and briefly run over the Laws and practices of tything, both abroad, and in this Nation, I shall give some hints of the Opinions of former times concerning tythes. About the year 1000. and 1200. after Christ, when tythes were generally preached up and claimed, great controyerzie did arise between the Canonists and the Clergy, by what immediate law tythes were payable.

The Canonists generally ground themselves upon the Decrees and canons of the church (so called) and on the writings of *Augustine, Ambrose, and the rest of the ancient Fathers*, who say they are due by Divine Right.

The clergy of those times were at difference amongst themselves, some of them saying, that tythes, *quoad quosam partem*, or as it is a determined part, is due only by positive and Ecclehastick law; but *quoad substantiam suam*, or as it denotes a competent part to be allowed for the maintenance of the ministry, is due by Divine law; and that the tenth part was decreed by the church, *per vim eius exemplarem*, or by imitation of the Jewish State, and not *per vim obligatiorum*, or any continuing force of it under the Gospels; and that the church was not bound to this part, but freely might as well have ordajned the payment of a 9. th, or 8. th, according to the vatiouz opportunity. This was taught by *Hales, Aquinas, Henricus de Grandavo, R. de Maita villa, Cardinal Cajetan, Jo. Mayor, Suarez, Maldes, and others*, who say it is the common Opinion of the greatest part of the clergy of that time, and that the tenth part was rather ceremonial then moral.

Here also was made a distinction, and many said, that predial & mixt tythes were due by the divine Ecclehastick law; but personal tythes only by the decrees of the church; but *Hales* said, that tythes, as well personal as predial, are in the precept *quoad substantiam*, but neither *quoad quosam*; and therefore in *Venice* and other cities, where no predial tythes are, a personal tythe is required by the positive law of the church, by virtue of the substance (not ceremony) of the command.

Another opinion (and that owned by many) was drawn from the former Doctrine, which concluded, that seeking tythes as the *quosa per*, were not enjoyed by the command of God, therefore they were meer Alms, or as what *debito Charitatis*, nor *debito iustitiae*, was to be dispensed.

Of this opinion were the *Dominicans* and *Franciscans*, who both began about the year 1210. and by their Doctrine got many tythes to be given to their Monasteries: and that whatsoever was given to the four Orders of *Mendicants Fryars*, was a sufficient discharge from the Priest.

And our famous reformers, *John Wickliff*, *Walter Brune*, *VVill. Thorp* and others, whose arguments are at large in *Fox his Acts & Monuments*, did in their dayes bear their testimony against tythes, for which some of them suffered in flames.

Agreeing herewith are the Articles of the *Bohemians*, published neer 300. years since, wherein a divine right to tythes since the Gospel is denied: whereupon also long since they took all their temporalities from their Ministers, and before *Wickliff's* time *Gerardus Sagarellus* was of the same mind. And the great *Erasmus* also, said, that the common exacting of tythes by the clergy of his time, was no better then tyranny.

Having thus briefly run over the Doctrines, Decrees, Practises and Opinions concerning tythes, I shall make some short observations thereupon, that the Reader may understand whereunto they tend, and then proceed to the matter as it concerns us at this day, wherein he will find the knowledge of these things which be usefull.

First that amongst the Jews, tythes were paid to the Levites that did the common services of the tabernacle & temple, and not to the sons of *Aaron*, the Priests, for they had only a tenth part out of the tythes, and therefore he that pleads for tythes from the *Mosical Laws* of tything, had need consider how the payment of tythes to ministers, succeeds to the payment of tythes to the Levites, who were not Priests, nor were to touch or meddle with that holy Office, lest they dyed.

2. That amongst the Jews no outward Law was appointed for the recovery of tythes, but he that did not pay them robbed God, and by him only was punished.

3. That the tythes were not for the Levites only, but for the stranger, the fatherless, and the widow, who were to eat thereof, and be satisfied.

4. That when the Levitical priesthood was changed by the coming of Christ Jesus, the Law for tything was also changed, as *Paul* writ to the *Hebreus*; for it is evident, that in the beginning of the church, for the first 300. years, while the purity and simplicity of the Gospel was retained, no tythes were payed amongst christians.

5. That as the mystery of iniquity began to work, and mens imaginations were taught instead of the Doctrine of Christ, divers men fetching their ground from *Moses* writings, began to preach, that tythes again ought to be paid.

6. That those that first preached up tythes, pressed the payment of them, not for the maintenance of a Ministry only, but chiefly for provision for the poor and needy.

7. That

7. That in the first practice of the payment of *tythes*, they were not paid as *tythes*, but as free-offerings at the bounty of the giver, and not as answering any Law that requireth the tenth part ; and so more properly were called offerings than *tythes*.

8. That notwithstanding any Doctrines preached, it was not a received Doctrine, that *tythes* ought to be paid, till about the year 1000. that the Pope had set up his Authority, and usurped Dominion over the greate parts of Europe, and almost all Emperors, Kings, and Princes brought in subjection to him, and his innovated superstitions.

9. That notwithstanding the strict commands of the Pope, no outward compulsory Law was made by the Pope or his Councils to inforce any to pay *tythes*, but only their excommunication.

10. That *tythes* were alwayes accounted an Ecclesiasticall duty, and therefore by Ecclesiastical Courts were tryed and judged ; and till the dissolution of Abbeys, &c. were never called a Civil Right.

11. That *tythes* were brought in as a duty owing unto God, and were so required and inforced ; and therefore all Lawes made for the payment of *tythes*, takes that for their ground, and not any civil property or right in him that claims them.

12. That till the year 1200. or thereabouts, it was the common practise for every one to bestow his *tythes* where he pleased.

13. That from such arbitrary dispositions, Abbeys and Monasteries came to be so richly endowed with *Tythes and Rectories*.

14. That all Exemptions from payment of *tythes* came from the Pope.

15. That first-fruits and tenth are but a late innovation, and claimed by the Pope, as Successor to the Jewith High Priest, as *Cook* in the third Part of his *Institutes* also testifies.

16. That *tythes* are the same thing, whether claimed by an Abbey, or Impropriator, or a Priest, and stand upon the same ground and foundation, and differ nothing but in the person that possessesthem.

17. Here also the declining State of the Church to corruption and error, may be clearly discerned and traced; for as the power of truth was lost, so was the fruit thereof, which caused such earnest pressing to needfull contributions ; and when that would not serve, Laws and Decrees were made to force them: But in the beginning it was not so ; for while the purity and simplicity of the Gospel was retained, there needed no pressing ; for their charity then abounded not onely to the tenth part but far greater parts, as the needs of the Church required.

18. That the right of *tythes* was never cleared, but remained in controversie even amongst the greatest papists, and in all ages there were those that withheld the payment of them : And many of the Martyrs for that, amongt other things, suffered in flames.

These things thus premised, I shall briefly state the great Case ; and Question, at this day chiefly controverted concerning *Tythes*, as claimed and paid in *England*.

The Case.

Whether any person have a true and legal property in the tenth part of another mans increase, now commonly called Tythes ?

The terms are plain, and need no opening ; yet it is needfull to declare why the Case is thus stated ; for the great Question rather seems to be, *Whether Tythes be not due as this day ?*

That may be due to another, wherein yet he may have no legall property, as *Custome, Tribute, Taxes*, which are to be paid, because commanded by the State, and though Law and Equity obliges the payment, yet is no distinct property in him that commands : and so *tythes* may be supposed to be due, because so many Laws have been made for payment of them, though the person that claims them may have no particular interest or property therein, other then is derived from the command.

But now in *England* *tythes* are not only claimed by virtue of divers Laws, but also as being a distinct property, severed from the property of the nine parts.

And if this could clearly be evinced, all scruples of conscience were answered ; for if a true and legal property be in another person to the tenth part of my increase, I ought in conscience to yeeld & set it forth, because it is not mine ; and then the name of *tythes*, as having in any measure relation to the Jewish priesthood or popish Clergy, were at an end, but as a debt it ought to be truly paid to the proprietor.

Many things have been said, and much written to prove such a property, the substance whereof, as far as hath come to my knowledge, I shall briefly sum up under these general Heads, as also the grounds of those who claim them to be due, and yet plead no property, which being the lesser, may be fully included and answered in the other.

*Several Claims made for tythes, and a legal property therein,
see down and answered.*

1. The first claims *tythes* to be due *jure divino*, and produce the Law of *Moses* for it.

2. Others say, that as to the *quarta pars*, (*viz.* the tenth part) *Tythes* are not due by the Law of God, only the equity of the Law is full of force, which obligeth to afford a competent maintenance for the Ministry, but doth not bind to the certain quantity.

3. Others there are who plead the Decrees, Canons, and Constitutions of general Councils, Ropes, Bishops, Convocations, and these say, that *tythes* are due *jure Ecclesiastico*.

Under

Under these several Claims, or some of them, have *tythes* been demanded and paid, since the dark night of A poplacy overpread the earth under the papal power, till the *Pope's* Supremacy and Religion was cast off in *England*; and where the popish Religion is professed, they are now by the same demanded and paid.

But now of late in *England* new claims are made, and the old pretences seem too much to favour of the popish Leven, and therefore a human right is pleaded, which I shall briefly bring under these few Heads.

1. Some plead the gifts of Kings and princes, who were Rulers of the people, as *Ethelwulf*, &c.
2. Others plead the temporal *Laws* of Kings, *Parliaments*, &c.
3. Others plead the particular gifts, appropriation, consecration, or donation of those who were former owners of the Land
4. Others plead prescription, and a legall right by their possession.
5. Others plead a legal right by purchase.

And besides these, I never heard or read of any other pretence for *tythes*, though I have diligently for two yeers and more, laboured to inform my self fully what could be alledged for them.

To begin with the first, Those that say *tythes* are due by Divine Right.

Some of them say, *This the Law given to Israel for payments of tithes to the Tribe of Levi, doth also oblige Christians to pay tithes to their Ministers as succeeding in the Priest's Office.*

Ansf. To such it is clearly answered, that the priesthood which had a commandment to take *tythes* being changed by Christ Jesus, there is made of necessity also a change of the Law; and now the priesthood is no more committed to the natural off-spring of *Levi*, or any other tribe, but to Christ Jesus the unchangeable priesthood, whose Kingdom stands not in figures and carnal Ordinances, but is the substance of what that was but a figure; And it is clear, the primitive church were assur'd of it, who for some hundreds of yeers, and till the mysterie of Iniquity began to work, never called for the payment of *tythes*, as is before plainly proved.

And how doth a Gospel-Ministry succeed to the Levites, who received *tythes* but were not priests? much more colour had the Quiristers, Singing-men, and the rest of the Rabble brought into the late Cathedrals, to claim them, and onely to pay out a tenth part to the priests, as the Levites did.

Others say, *That Abraham paid *tythes* to Melchisedec, which was before the Levitical Priesthood; and Christ Jesus is made a Priest after the Order of Melchisedec.*

Abraham returning from the slaughter of the Kings, was met by *Melchisedec*, who brought him bread and wine, and *Abraham* gave him the tenth of the spoyl; but what is this to the payment of tythes, unless it oblige the souldiers: for it doth not appear that *Abraham* paid the tenth part of his own increase; nor doth it appear that *Abraham* gave the tenth part at any other time; and how will this prove a yearly payment of tythes to Ministers?

And what if *Jacob* gave tythes? how are either of these examples more binding then any other of the good acts that either of these holy men did?

Object. If it be said, that Jesus Christ said, *Te tythe mins, &c. these thinge ye ought not to leave undone.*

It's answered, That Jesus Christ then spoke to the Jewes in the time when the Levitical priesthood was not ended, who were bound by the Law so long as it was of force, till he was offered up, and said, *It is finished.*

But though divine right hath been of long pretended, few are now left who will only stand to it, and the generality both of Lawyers, Drifts, and People are of a contrary mind.

For if *tythes* be absolutely due by the Law of God, no custom, usage, prescription, priviledg or popish dispensation, can acquit from paymens of the utmost peny of the tenth part; but scarce the tenth person in *England* payeth *tythe* in kinde, and many plead they are *tythe-free*, and pay none at all, and others very small matters; and so the greatest part of the people of *England* deny *tythes* to be due by Gods Law.

Again, if *tythes* be due by the Law of God, then is it to the end for which they were commanded, for the *Levites*, the *Strangers*, the *Fatherless*, and the *Widows*; all therefore who plead for *tythes* by Divine Right, must not pay them to an *Impropriator*; for by Gods Law he cannot claim, neither ought any *Impropriater* of that minde to receive them.

And of late yeers, it was by *Rolls*, Chief Justice, adjudged in the *Upper Bench*, That *tythes* are not now due by the Law of God.

2. *To the next, those that plead the equity of the Law is full of force.*

These plead not for *tythes* properly, but for a comfortable maintenance and by way of *tythes*, as they suppose most convenient, &c. And these bring many Scriptures in the New Testamente, that he that labours is worthy of his hire; he that preacheth the Gospel, ought to live of the Gospel; Let him that is taught, communicate to him that teacheth, and the like.

And

And to such say, that not only the equity of the Levitical Law for tything, the Doctrine of Christ Jesus and his Apostles do bind, but even from natural things we are largely taught our duty therein; *No man murketh the mouth of the Ox, and no man goeth to a warfare at his own charges and he that plants a vineyard, eat the fruit thereof*: And herein it is agreed, that the Ministers of Christ Jesus, who are called to his service and labour in the word, ought to be comfortably provided for, that they go not to warfare at their own charge.

But this doth not require that the world (which lies waste as a Wilderness, and is not of the Vineyard) should contribute, much less be compelled to give a certain portion of the fruits of their labours towards the maintenance of Christ's Ministers.

And these grant, that every man is the sole owner of his own labours and possession; and though by another he may not be compelled; for such sacrifice God abhors, yet ought every one freely to glorify God with his substance, to strengthen the weak hands, and feeble knees, and to give to him that teacheth, those things that are needfull, and such cheerfull givers God accepts.

And this leaves every one free to give to him that teacheth, not binding to the maintenance of those who have less need then the giver, or of those who are transformed as Apostles and ministers of Christ, who have the form, but want the power, who teach for filthy lucre, keeping ever learning, but cannot bring to the knowledge of the truth.

And of such as Christ Jesus sent forth, he always took care, and they never wanted, but they reaped the fruits of their labour, and eat the fruits of their own Vineyards which they had planted, & by the churches who were gathered out of the world, were they maintained to preach the Gospel to the world, unto whom they would not make the Gospel chargeable or burthensome, which was their glory and their crown.

And herewith let our now called churches be proved and tryed, who seperate from the world, and yet many of them receive pay & wages for their teachers from the world, who send on no their own cost to preach to the world.

And here our Rulers should learn wisdom to withhold their hands from upholding any with their worldly Sword, and compelling others to maintain them, and to leave Christ's kingdom to his own rule, who is Lord of the Harvest, and sends forth labourers, and hath spirit to put upon them; who sends forth the Fishermen, the Shepherds, and Herdsmen, the tillers of the ground, and the keepers of flocks, who speak plain words, that wise men cannot understand, who are wise in the world's wisdom, gathered in schools, whither they are sent to learn a trade, there by to get their livings; and in the time of popery they studied the popish Doctrine, and then preached them to others; and in the time of Prelacy they changed to a new form; And when that was laid aside,

Presbytery

Pribytery was set up, and then such the Universities sent forth; and since *Independency* was preferred, great store of them are spread abroad; and look what pleafeth them best that have the greatest livings in dispose, that is the most cryed up, and most studied and preached: and here is the spring of our Teachers, the Universities; and these say that *Greek*, and *Hebrew* are the original, which they go thither to learn, that they may understand what Christ spoke, and the Apostles preached: But the *Hebreus* and *Greeks*, who heard them speake in their own language, could not understand their Doctrine, for it seemed foolishnes to them; & these by their original are in no better state, nor nearer to the knowledge of the Gospel: And let your rulers consider, that Christs love to the world, for whom he dyed, is not abated, neither is his spirit diminished, nor his power shortned, that he will not, or cannot, lead forth, & fit his Ministers for his service, or that he needs Universities to instruct, or Magistrates to provide maintenance for those he sends forth. And let them look to their own kingdom, the world, therein to punish & restrain the evil, & to encourage & protect the good, & then all would be agreed, and the Nation kept in peace, every one enjoying his true liberty and freedom: For in this it is assented, that the Ministers of Christ Jesus who fowe unto us spiritual things, should reip of our temporals: But here is the difference; first, that our consciences must be our judge who these Ministers are, and no other mans direction; for to the conscience were Christs Ministers alwayes made manifest, & not approved with the reason and wisdom of man. Secondly, That our gift must be free, and by no mans compulsion.

Would not this ease the Magistrate of much trouble that he makes to himself, and be more acceptable to God and man? for who hath made him a Judge in these things?

A third sort plead the decrees, canons, constitutions of general councils, Popes, Bishops, convocations.

To such I shall only say, that for the first 800. years after Christ, no canon or decree was made by general council, nor was it then determined by the church (as twas called) what part every man should Pay. And the first eight general councils do not so much as speake of the name of tythes, and that was till about 1000. years, and then about that time it came to be received and believed that tythes ought to be paid; yet in *England*, as well as other Nations, every man might have given his tythe where he pleased, till about the year 1200. as is already proved. But I need not say much to these, few being of this mind, but those who own the Pope for their Head, we having in *England* denied and cast off his supremacy, though in this matter of tythes, and many other things, we full feel his power amongst us.

And

And now having briefly gone over the substance of what is pleaded for a Divine or Ecclesiastick right, I come next to what is pretended for a humane right.

And the first fort pleads the gifts of Kings, as *Ethelwolph, &c.*

To these I answer, If they could prove the whole land had been the particular possession of any such King, they said somthing; though that would not justify the taking tythes from all the people, as shall be more fully proved hereafter. But by what right could he give the tenth part of the increase and fruits of the labours of all the people of his dominions, who had no legal property therein? It was an easie matter when the Popes Emissaries had taught the people that tythes were due to God and them; and had persuaded Kings and Nobles, that Heaven might be purchased by their works, to procure from them the gift of that which was not theirs, the poor peoples tythes; especially considering the people were of the same mind, and as zealous of all the popish superstitions as themselves, and every one striving who should therein most excel; witness those many rich Abbeys and Monasteries lately in this Land. But if that K. *Ethelwolph's* grant be the foundation of tythes; then how many succeeding Kings, and Bishops, and others have violated this deed by appropriating them to Abbeys, Monasteries, and such like Housers? And how have all ages since *Ethelwolph*, taken upon themselves the disposition of tythes, without any relation to what he did; which shews clearly, That neither Kings, Parliaments, nor people, did ever take themselves bound by this grant: But the folly and vanity of this argument will more plainly appear hereafter.

The next, and those which seem to have the strongest plea, do urge the temporal Laws of Kings and Parliaments, and say, by the Law they have as good a property in tythes, as any man hath in his Lands.

Anj. To such I say, The Law doth not give any man a property either in land, or tythes, or any other thing, but only doth conserve to every man his property which he hath in his land and possessions, either by gift, purchase, or descent, and secure him from the injury or violence of another.

But let us not be deceived with a new pretence, lately taken up to delude the simple minds of a legal property, and a civil right, for that is but a shift; and it matters not what any says, or now pretend concerning the right of tythes, when they see their other claims will not serve the turn; but let us hear what the Makers of the laws say of them; those from whom they claim; and passing by the *Saxons* times, and K. *Stephens*, and the rest of those who were in the mid-night of Popery, let us come to H. 8. who cast off the Pope, and upon whose law all others that were since made are builded; and in the preamble of the act it is declared, *That tythes are due to God and holy Church, and they blame men for being so wicked as not to pay them; and therefore that law is made, and here*

Here is the ground of the Law, not any property or civil right in priests or others; and therefore if the Law require them as due by divine right, he that faith they are onely due by humane right, cannot claim them, nor ought to recover them by that Law, for he claims them by another right; and for any man to claim that by humane right, from humane law, which commands them as due by divine right, is but a mere deceit. And that law of H. 8. and the rest, did not upon any civil ground, set up, or constitute the payment of tythes, but takes it for granted, *that tythes are due to God and holy Church*; and therefore the foundation of the law being taken away, *has they are not due to God and holy Church*, the law falls to the ground; for the law not making them due, but supposing them due by a former right, if they were not so due, the law cannot be binding.

That tythes were never till now of late pretended a civil right, is plain; for as they were imposed by the Pope, so were they tryable in his courts; and those very laws made by late Parliaments, did appoint them to be tryed in the Ecclesiastical courts, & restrained the temporal Jurisdiction, as the Acts themselves testifie.

But what is the property that is now claimed? is it in a person? that connot be, for the Priest hath them not till he enter his office, and when he parts with that, he loogeth his tythes: So the priest hath no property, but his office: And what is that? it was a popish office when tythes were first paid to it, and how comes the property to continue now the office is laid aside, and the Pope that set them up? But how can a civil right or property be pretended, when the Author was the Pope? The end for a called spiritual worship, and recovered in an Ecclesiastical called court. Are not these covers grown too short?

And in the Act of 32. H. 8. tythes are called spiritual gifts: and there of impropriety tythes sold after the dissolution, tis said, they are now made temporal: And before that time it was never heard that tythes were called a temporal right.

But it's further said, *These Lawes were made by Parliaments, the Representatives of the people: And though tythes were not due before, yet they might give tythes, because their own, they being the body of the people.*

This would suppose a particular consecration or donation of the people, not onely in their Legislative capacity, to binde themselves by a Law, but by a particular *Act of Free-gift*: But it's plain, the *Act* never intended any such thing, for it gives nothing, but commands what was before.

And as to the Law it self, and all other Lawes of Kings, Parliaments, Popes, Councils, Bishops, and whatever else was by any way made for the payment of tythes since Christ Iesus came in the flesh, joyned all together, how do they all, or any of them, bind the conscience? For if tythes

[23]

Tithes be not due by the Law of God, as is herein provyd; and almost generally granted: Who hath set them up? the law of man at best. And who is man that makes a law in the place where God disannulled his own command? Is it better to obey man then God? or is man grown wierch ten his Maker? Who put this power into the hand of man to raise a compulsory maintenance for Ministers? That any Parliament have any power to make any binding law for the maintenance of those they call Ministers, for doing a work which they call worship of God; and force the people to submit to it, the clear light of this age doth generally condemn; for they are much more like to set up and maintain those who are contrary to Christ, then Christs Ministers, who never looked for, nor durst own such a way of provision. Will any say they have power from whom had they it? It is derived from the people; that cannot be. Have they ony other power committed to them? how is it as they are Magistrates? If so, the *Turk*, and all Infidel Magistrates have the like. Or is it as they are Christian Magistrates? then may not France, Spain, &c; claim the same? for what Nation in Europe will not say they have a Christian magistracy, though far the greater part of them be Papists? And may not a Papist by as good right require and compel maintenance for his ministers, as H. 8. or any other could, or can do? But that I may not be mistaken, as if I went about to take away the magistrates power to raise taxes, Settlements, or other charges, for the service & defence of the nation, it is needful to distinguish between those things that are called civil, and such as are called spiritual: For civil ends and uses the people may give power to their Representatives to raise moneys, or any other civil thing; because in such things they are their own masters: But in matters of religion and spiritual things, no man can give power to another to impose any thing upon himself, or his neighbour; for in those things every one is to be accountable unto God, & to stand and fall to his own master. And thus we give unto God the things that are Gods, and unto Caesar the things that are his, paying tribute to whom tribute is due: But as for all laws made in the will of man, in the things of God, and their heavy punishments inflicted upon such as cannot for conscience sake conform unto them, they reach not the conscience, and therefore make no sin against God.

And as concerning the laws of K. H. and Edw. 6. it may be considered some of them were made by a Popish King and Parliament; and the rest, in the glimmering of light, when men were but seen as trees; and therefore to make their laws a Rule for this day of Lear and Sun-shine light, favours too much of the old popish spirit, and is a shame to our reformation. And if it be said, Papists might, and did, make good laws. It's true, in temporal things they did, but not in things of religion, wherein they are differenced from us, because Papists.

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* But were the law just in commanding tythes; can it be equal to give double or treble damage where they are not paid? If any man be owing a just and due debt, no more by law can be recovered, but what the debt is, beside the charges of the Law: How cruel therefore are these Laws and Ordinances, which in a matter of so much just scruple, require & impose the double or treble value? And how unrighteous are all such persons, as by force of such Laws receive them? For if tythes were due, is therefore the treble value due, because the Law hath made that penalty? Where is equity or justice in either? The Pope and his adherents did only excommunicate the refuser till he conformed; and till these late laws, such penalties as imprisonment and treble damage were never known. And here what was by our forefathers superstition (whom we look back at as afar off, and pity) begun in ignorance, we build up, and confirm with tyranny, and instead of their Rods, make to our selves Scorpions.

But herein is not all, but the law requires every man to set out the tenth, and so makes him a voluntary agent in that against which his conscience testifies, which is most cruel and unrighteous: and he that cannot do so, they sue and hale before Courts and Magistrates, and there they get judgment of treble damage, and by that judgment frequently take five-fold, yea sometimes ten-fold the value: Shall not these things tender this age which so much pretends to reformation, contemptible to future generations; and for these things shall not even Papists rise up in judgement against us, and condemn us?

But how is it that any law for tythes is now executed? do not all laws and statutes for tythes restrain the tryal of them to the Ecclesiastical courts, and prohibits the temporal courts from meddling with them. And since the Ecclesiastical courts are destroyed, who have power to give judgement for tythes? no temporal Juge proceeding according to the laws for tithing: How is it then, that so many persons are sued, prosecuted, and unjustly vexed for tythes in all the courts at Westminster, and not only so, but in the Sheriffs court, and other petty courts in the country.

Objec^t. If it be said, The Statute gives double damages and costs, and no Court being appointed where that shall be recovered, it must be supposed to be the Common-Law Courts.

I answer, by asking; Of what must they give the double or treble damage, seeing they are restrained from trying for the single value? If they cannot judge the one, how can they award the other? will they condemn an accessory before they try the principal? what is this but, to make the Law a Nose of wax, or any thing to uphold another unrighteous Kingdom?

Obj. It will be said, *Jurisdictions of peace have power*. It may be so, by an Ordinance, but no A^ct of Parliament, which is the Law of England; and that they do it, many poor people feel; for generally they give treble damages for all manner of tythes, when as the Statute gave but double, and costs, and that only for predial tythes; And they usually execute their precepts by such persons as will do it effectually; who take generally five times more then the value, which they prize and sell far under the worth; and he that cannot comply with their cruelty, and confess their judgement just, by accepting back what they will return, doth frequently suffer five or six-fold, yea often ten-fold damage. And here the fingers of the Justices are too often found by conscientious men, far more heavy then the loynes of the law, nay more then of the old Ecclesiastical courts, or the Pope himself, who hath no such penalties. I write what I can prove by manifold instances.

Though these oppressions be many and great, yet are they not all that this age exerciseth; for by a new device, under pretence that Priests are not able to pay tenths to the Protector, unless every man pay them their tythes, they sue men for all manner of tythes by English Bill in the Exchequer, and there would force them upon their oaths to declare what tythes they have; when as in the Ecclesiastical Courts the Ordinary might not examine a man upon his own oath concerning his own tythes. And here such as either make conscience for swearing, which Christ forbids, or cannot themselves tell what tythe they had, are cast into prison for contempt, where they may lie as long as they live, no law in the Nation reaching them any relief. And divers upon this account have long lain in the Fleet, and yet are there; and I believe above a hundred suits are in the Exchequer depending, and proceedings stopt at this point, the hearts of the very officers of the court relenting with pity towards such numbers of poor men brought thither every term from the most remote parts of the Nation, & some of them not for above twelve pence; such merciless cruelty lodges in the hearts of many, if not the most of our pretended Gospel-Ministers.

Oh shameful reformation! What! compel a man himself to set out the tythe of his own goods to maintain a hireling Priest, it may be, one open y prophaner, and so makes him sin against his own conscience, or take from him thrice, or rather five times as much! and not only so, but to force him to swear what tythes he had, or commit him to prison, there to lie without hope of relief; doth not the cry of these abominations reach through Palace-walls, and enter Parliament doors? surely they reach the Gates of Heaven: And though man have forgotten his fair promises, God will in due time break these bands, and send relief another way. Oh cursed first-fruits and tenths, the superstitious relique of popery, and wages of unrighteousness, the cause and cover of all these Exchequer suits, and of most of these mischiefs! Must we

full have **Priests** and **Tythes** then may we not with old **Priests**, and old **Ecclesiastical Courts**, for much more moderation was in them, & even **Papists** would blush at your cruelties. Did but the **Magistrate** see what havoc is made in the **North**, what sliving of goods, the **Oxen** out of the plow, the **Cows** from poor & indigent **childer**, what carrying of **Pots**, **Pans**, and **Kettles**, yea, and fetching the very clothes off poor peoples **Beds**, he would either be chained of such **Justices**, or such **Priests**, or **Tythes**, or of them all. Such instances I could give, as would make the Readers ears to tingle: and he that cannot believe me let him send into **Cumberland**, and he shall meet with few that cannot inform him of it: or do but let him go alittle after Harvest, and he may find the **Justices** so busie, as if they had little other work to be doing. But whether have I digressed? let me return to hear what the next can say.

3. And these plead the gift of those that were formerly possessors of the Land, and say, *These that pay tythes, do but that which their Ancestors justly charged upon them.*

To such I answer, That's true, many Ancestors gave tythes which of them were required, as before hath been declared; but what is that to us? or how are we thereby bound? Did ever any man in any deed or conveyance of his Land, express any such gift, or make any exception of tythes? I never saw nor heard of such a thing; and let those who can find such reservations, make their claim; but I'll believe it will not be in **England**. That which this sort pleads, seems to make a ground for a distinct property; for if there be a property, it must of necessity arise from him that was the true owner, and had power to charge himself and his posterity; and these say they *have as good right to the tenth part, as the owner hath to the nine*, and that he never purchased it, and the like. Unto all which I answer, that though it were true, and could be proved, that mine Ancestors gave tythes, and that for ever, yet am I not thereby bound to pay them, or stand any way chargeable with them. It's true, when they were owners of Land, they might themselves yield and set forth what part of their increase they pleased, or might have given the tenth, or any other part of their Land, as they would, or they might have charged upon the Land what rent they liked, but they could not charge their posterity with that which was no way theirs, nor which in any true sense construction, or understanding, they could be said to have any property in, and which is not paid by reason of that which is derived from them; for tythe is neither paid of Land, nor by reason of the Land, but is paid by reason of the increase of renewing, and therefore the doctrines of the old Fathers, the Statute of **Edw. 6.** and so the popish laws for tythes do as well require the payment of the tenth part of mens profits and gains, whether by trade or commerce, or Merchandize, as of the fruits of the earth, yea the tenth part of wages and all personal en-

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crease, though not raised immediately by Land: And surely no man wil say that he payes tythe of these because his Ancestor charged him with them; nor will any man allow that another person by any gift of his Ancestor, can have another distinct property in the tenth part of the fruit of his labors; and the case is the same as to all tythes, whether predial, personal, or mixt; If I sit still and ploughnot, no corn will grow: If I sit still, and work not, no profit will arise; so that it's my labour, my diligence, and industry that raiseth the tythe, and in my power it is to make it less or more; and sometimes, yea often it falls out, that the tythe of Corn is thrice more worth then the yearly value of the Land on which it grows; and herein tysh of corn is far more hard and unequal then personal tythes; for the one payes but the tenth, all charges deducted; the other payes the tenth of charges and all.

Mine Ancestor could not charge me with that which doth not accuse by reason of that which I have from him; nor am I bound because mine Ancestor left me Land, to pay tythe, which is not paid by reason of the Land, but of the encrease, unto which I am no more tyed by law, then he is who hath encrease without land. If I have land, and no encrease, I pay no tythes. If I have encrease, though no land, I ought by law to pay tythes. If I husband my land so as the encrease of it is not to be severed, no tythe can be recovered of it; and therefore if I pasture my land, no tythe shall be paid for the grasse which is eaten unsevered, but onely a rate-tythe for that which doth depature on it, which makes it plain, that tythe is not paid by reason of the Land, but of the Stock; and in that also it lies in my power to make the tythe much, little, or nothing: If I plow and sow Corn, the tenth part of the encrease is generally more worth then the land on which it grows, which comes not by the land which descends from the Ancestor, but because of the encrease, won by the great charge, industry, and labour of the Husbandman. If I pasture my ground with sheep that yeilds a Fleece, the tythe will be considerable, though not so much as by Corn. If I pasture with Cows, or breeding Cattle, a much lesse tythe is paid: And if I eat with Horses and barren Cattel, a small and inconsiderate rate is onely required, though in few places of the Nation would that be recovered in the times of greatest height of Popish laws. But if I plant Wood, and let it stand for timber; or if I store my land with beasts, which be *fera naturae*, wherein there is no personal property, no tythe shall be paid. Or if I will let my land lye waste, (which may be supposed because it may be done) or will eat my Meadow or Corn standing, no tythe can be required. All these instances manifest that tythe hath still relation to the stock and personal estate, and not to the land, and is paid by reason of the stock, and not the land; and so no Ancestor could lay and perpetuate such a charge as tythe upon it, nor could he bind his successor to it. If by my Ancestor I am bound to pay tythes, *ratione seniure*, or in consi-

consideration of the land which he leaves me; to what value must it be? I may yearly pay more then the land he leaves me is worth: If I keep it in tillage, and if I pasture it, I need not pay the twentieth part: Have not I herein (without fraud to my Ancestors) power to pay much or little? How is this like a Rent-charge certain, which is by some objected? If *tythes* were paid by reason of the Land, surely there is most reason that the tenth part of the grass renewing upon all pasture-grounds, should be paid: for the Land still brings that with it, and it's easily dividable by Rent, or Bill of Moneth. If another had as good right to the tenth part of the increase, as the owner hath to the nine, why can he not take it without the owners setting it out, or recover it by action of Debt or Trespass? But it is clear, there is no title till it be set forth, and then if the owner carries it away, an Action of Trespass lies, because he had set it out, and had given it to another, and so altered his property, as one man doth by marking his cattel for another man; and therefore it is that the Law which commands Tythes, doth not give power to any to take the Tythe, because he had no title, but enjoyns the owner to set it forth, and so make it another by his own consent.

If any man claim tythes by my Ancestors gift, may I not ask him, To whom, and for what my Ancestors gave them? And it is plain beyond denial, that all those gifts of lands or tythes in England since Auguſtine the Monk planted the popish faith, and preached up the new payment of tythes, were given to popish priests for saying prayers for the souls of the givers, and their deceased Ancestors, as old consecrations do witness: And herefore in reaſon, if the conſideration and service be ceaſed, so ought also the wages; for no man in law or equity ought to claim wages when he will not do the work for which it were given; and ſeeing thoſe popiſh priests and prayers are laid aside, the gift (if any ſuch there were, and could be binding) ought to return to the Donor, and may not without his conſent be perverted to another use.

SHEPHERD. *Tythe was never claimed in reſpect of any ownership of the Land, but ex debito, by the law of God, for ſubſtration whereof no remedy lay at the Commonlaw; and therefore if a Parſon let a Leafe of his Glebe to another, with all appurtenances, yet he himſelf ſhall have tythe of it.*

C O O K. *Terræ non ſunt decimabiles, and therefore neither Mynes nor Quaryes of Iron, Bras, Tin, Lead, Coles, ſtones, Tile, Brick, or Lime are tytheable, nor Houſes, nor Trees, nor Graſt, nor Corn, till they bee ſevered from the Land, the real Eſtate which deſcends by inheritance from the Ancestor, and Conſimilariſ is made a diſtinſit perſonal poſſeſſion. And therefore tythe is not paid of land, nor by reaſon of the land, nor is it a charge upon land, like a Rent-charge, nor was it ever ſo claimed, till of late the popiſh covers were free-hold and not broad enough.* **Obj.** But ſome object, and ſay, *When I bought my land, I bought not the tythe, nor paid any thing for it.*

Anſ.

Ansf. I answer, that I and all men bought all our Land, and chist without any charge of tythe upon it; and therefore in all Conveyances it's still said, *All that, &c.* and never any covenant for, or exemption of a tenth part, either of land or increase; and he that saith, the Seller or his Ancestor charged it with tythes as a Rent; I say, where a Rent is charged, it's still expressed; and find any such exception or covenant, and I will freely pay them as a just debt. And is it not ridiculous for any to talk of purchasing his tythe for with his labour, charge and husbandry he payes deer enough for his whole encrease.

Obj. Another Objects, *That though I bought all my Land, yet I bought it cheaper (because it was supposed that it ought to pay tythe) then I could have bought such Land as was known to be tythe-free; and therefore having a cheaper bargain, I am bound in equity to pay tythes.*

Ansf. I answer, That I have already proved all land is tythe-free, and the charge of tythe is upon the stock and personal estate, and not upon the Land. And the strength of this Objection lies in comparing those that pay tythes, with those that are free; they that buy Lands tythe-free, are eased of this oppression, and are in no hazard; and though all others ought to be so, yet being a question, whether they can cast themselves of the burthen, they buy under a hazard, and as subject to such a charge; but if they can cast off the yoke, they get but what is their own: And seeing we have denied the Popes Authority and Supremacy, we may so soon as we can, wholly cast off the burthens which he laid on us. And thus he that buyes land in years of trouble and heavy taxes, may perhaps buy much cheaper, then when none or little is paid: Shall he therefore always be required to pay taxes, when others are discharged? Or, shall he that bought cheap penny-worths on the borders between England and Scotland, when those parts were infected with Moors-troopers, alwaies maintain, or pay tribute to thieves and robbers? We bought Land when the Pope's yoke was upon our necks, and if we can cast it from us, we may by as good reason be eased of our tythes, as they of their taxes. But if I bought cheaper, what is that to the State, or to a priest? If in equity I be bound to pay any more, it is most just that he have it of whom I bought my land, and not another.

There are others who plead a legal right by prescription, and that they have a good right, because they have so long possessed them.

This was the old device, first to preach that tythes were due, and then to limit them to the Parishes, and when forty years was past, to claim that as a debt, which before was paid as charity, or at most, as a free-will-offering of the owner. And thus the Pope got first-fruits, and tenths, and

Peter-pence, and many great sums out of this and other Nations, which long continued; and he might as well have pleaded his prescription, as any of his branches now can do. Is any so blind as not to see what poor shifts are now made to uphold so great an oppression, which can find no better ground for its support than this, *that it hath been so long continued?* But shall the continuance of an oppression give right to perpetuate the grievance? How many great and heavy pressures in other things did long lye on this Nation, of customs and practices of former times, which daily were, and still have been abolished, as light did more and more increase? witness those many Laws and Statutes made, and now in force, abolishing the usages and customs of former Ages: But yet this is a great mistake; for by the Common-Law, and the old papish Ecclesiastick Law (as is out of doors) no man can prescribe to have tythes, though many may prescribe to be free from tythes, or part thereof; for he that claimis tythes, (except Impropriators, to whom I shall speak hereafter) must claim them as a Parson, Vicar, or other called Ecclesiastick Officer, and (as I have hintied before) he claims them not as such a person, but as such an Officer, and the prescription (if any were) is to his office. Now if no such Office be in being, his claim is at an end. That there is now no such Office, is plain: for when *H. 8.* renounced the Pope, he was declared by Act of Parliament (which was assented to by all the Clergy in their Convention) to be the Head of the Church, and all Arch-Bishops, Bishops, and all others in Ecclesiastical Orders, were no longer to hold of the Pope, but of the King, and not to claim their Benefices by title from the Pope, but of the King, by virtue of that *Act of Parliament*. And here the Succession from the Pope was cut off, and discontinued, and the King by his new *Authority*, as Head of the Church, made Bishops, and gave them power to make Parsons, Vicars, and others called Ecclesiastick Officers. Afterwards, as the King renounced the pope, so the parliaments of *England* laid aside Kings, who had assumed the title and style of Head of the Church, and also abolished Arch-Bishops, and Bishops, and all their dependencies, root and branch; and here the whole Ecclesiastick state was dissolved, and the Body fell with the Head, and the Branches with the Root, both Parsons, Vicars, and Canrates, and all the whole progeny and off-spring, and so all their right, title, and claim to *tythes*, was, and is at an end, as is more plainly and more fully set forth in a late printed paper by *Ier. Benson*, to which I refer.

And now I come to the last, those that claim them by purchase, and these are the *Impropriators*, and they say they have bought them of the State, and have paid great sums of money for them, and many of them have no other subsistence.

To these I answer, That I have shewed before, that in the root all tythe is alike, whether it be now claimed by a Priest or an Impropriator, and both must fall together. And seeing those that sold them, had no good title, neither can theirs be made good which is derived from them: But seeing it was the State that sold them, and that the whole Nation had the benefit of their moneys, it is equal and just when they cannot have what is sold, that their moneys be re-paid; to which point I shall speak more fully hereafter, in answer to an Objection which I meeete with in my way, nedful to be resolv-ed.

And thus I have briefly gone over the whole matter, and heard what every one can say, and have returned them answers, by which it doth plainly appear, That no man at this day can claim tythe of another, either by Divine, or humane right; and that Tythes are neither due by the express Law of God, nor by the equity of that Law, nor by the Decrees of the Church, nor grants of Kings, nor Laws of Parliaments, nor Gifts of the People, nor Prescription of the Possessors, nor the purchase of Impropriators.

It now onely remains that I answer some general Obje-
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sions, which I shall do in as much brevity as I can, and so leave the whole to the Reader.

The first is made by the State:

The second by Impropriators,

And the third by Parish-Ministers.

And all these together object, and say, *That though it should be granted that the right of Tythes cannot be proved, yet if it be found that taking of them away will bring great los to the Publique Revenue, much damage, if not ruine to many particular Persons and Families, and great hazard of bringing confusion to a Nation by such a great alteration after so long settlement, and endanger the very publike profession of Religion by taking away Ministers maintenance, and consequently Ministry it self; it is not prudence for satisfying some, to bring so many and great inconveniences upon the Nation.*

These Objections plead not for the right of Tythes, but against the removing of them to prevent inconveniences; and if the one be granted, That Tythes are an innovated Popish Exaction and Oppression, and neither due by Law of God or man, such considerations as these ought not to obstruct the removal of so heavy a Grievance and Oppression, but that which is just, ought to be done, which is a general good to the whole Body, and almost every individual Member, and then such parts as are found grieved, may be afterwards eased and relieved: And though all these should in some measure suffer, it were unjust, seeing their compliance with the Oppressor, hath brought such a general yoke and burthen upon the whole body, and now they are become the onely obstructions of the general easement and publike freedom.

And

And yet a few words I shall answer to every one, and first to the State, which complains of a great loss by taking away first fruits and tenths, which are paid out of tythes.

When the Pope had established the payment of tythes, *Item in Ezeq.*
and set up a new Hierarchy after the pattern of the Jew-*ib. 44. v. 28.*
ish Priesthood, he took upon himself to be Successor of *St.*
the Jewish High-Priest, and claimed tenths from all his
inferior Priests, *Item divino,* and in process of time he
got to himself by the like colour, first fruits also; and
though it was long ere he brought his Work to passe
in *England,* yet at last it was effected: You may by
these following instances know how much our *English*
Nation strugled against them.

The King forbade H.H. the Popes Nuntio, to collect first ^{2 Ed. 3. Rot.}
fruits. ^{Claus. M. 4.}

The Popes Collector was willed no longer to gather the first ^{Parl. 1. R. 2.}
fruits, it being a very novelty, and no person was any longer to ^{Nu. 66.}
pay them. ^{Rot. Parl. & R. 3. Nu. 50.}

The Commons petition that provision may be made against
the Popes Collectors for levying of first fruits.

The King in Parliament answereth, There shall be granted a
Prohibition in all such cases where the Popes Collectors shall
attempt any such Novelties.

Upon complaint made by the Commons in Parliament, the ^{Rot. Parl. 6. R.}
King willett that Prohibitions be granted to the Popes Colle- ^{2. N. 50.}
ctors for receiving of first-fruits.

First fruits by Arch-Bishops and Bishops to the Pope,
were termed an horrible mischiefe, and damnable Cu-
stome. ^{6 M. 4.}

The Popes Collectors were required from thenceforth ^{Rot. Parl. 9 R.}
not to levy any Money within the Realme for First ^{A. N. 43.}
Fruits.

The Pope thus claiming first fruits and tenths as annexed to his Chaire, as Successor to the Jewish High-Priest, and Head of the church, continued to collect them, til H. 8. discontented with the Pope, (though himself was a Papist) renounceth the Popes Supremacy, and assumes it to himselfe, and by Act of Parliament in 16. of his Reign, got first fruits and tenths annexed to his Crown, as Head of the church, and so himself became worse then the Pope, taking the Wages, but not doing the Popes Work; and that which before by Parliaments in height of Popery was declared a damnable custome, was now in the beginning of Reformation made a foundation-stone to support the greatness of the new-made Head.

Afterwards Q. Mary not daring to assume the Headship of the church, did relinquish, and by Act of Parliament wholly took away first fruits and tenths, she doing no Work to deserve such Wages. And what a shame is this to our Nation, and our great professions, after so long talk of Reformation, now to plead for such Wages of unrighteousnesse, first exacted by the Pope, and then by such as assumed to themselves the style of Head of the church, upon that very account had them annexed to the crown? And shall we now who pretend to have cast off the Pope, and left the Head-ship of the church unto Christ, (worse-like then queen Mary) uphold such wicked Oppressions, which are the ground of a great part of good mens sufferings for Tythes this day? For the pretence of paying tenths, is the ground of the many Suits for Tythes in the Exchequer, where otherwise by Law they could not, nor ought to be recovered. And as to the Piblique Revenue, I am informed they adde not much thereunto, but all, or a great part of them, are given in Augmentations to Priests, who no doubt wil receive them without scruple, though

though I know many of them not long since, did complain against them as a popish Oppression. But take away Tythes, and there are as many Glebe-Lands wil fall to the State, as wil fully make up that losse, which they may as wel take away, as their predecessors did the Revenues of Abbeys and Monasteries; and when the people are eased of Tythes, they wil be better able, and more willing to enlarge the Publique Treasury if it be found wanting.

But it's hoped our State rather looks at the freedom of the people, then the encrease of the Revenue, seeing so lately they took away the profits of the court of *Wards*, which was a much better and greater income, and granted many great men such freedom for nothing, as they could neither in right claim, nor in reason expect without a very great sum, their Estates being given to them to hold by such services; and surely they wil not deny the poorer sort of people their own and dear-bought encrease.

Secondly; To Impropriators, and such as have more lately bought tythe-rents.

And to these I say, Though it be a general Rule, *Caveat emptor*, yet seeing the ignorance of former dayes, (but peeping out of popery) did take it for granted, (both Buyer and Seller) that the title was good; and since the purchasers did pay great sums of money for them to the State, which went to the bearing and defraying the publike charge of the Nation, it is just that they have a moderate price for them, with which I believe most (if not all) of them would be well pleased and content, onely in the estimate of that rate they must consider, that they bought no more but what the Abbey, Monastery,

mastery, or other dissolved House had; and these Houses out of their appropriate Tythes, were to find a sufficient Priest or Curate, canonically instituted, which was to have allowance at the discretion of the Bishop of the Diocess, and also a convenient portion of the Tythe was to be set apart for the yearly maintenance of the poor of the parish for ever, as is provided by divers Acts of Parliament. And after the dissolution and sale of Tythes, the like charge was, and ought to be continuued upon them, as at large is proved in a Treatise called, *The poor Vicar's Plea*; and let but such purchasers look to their original Grants, and they shall finde, that the yearly value was but little, and the rate small after which they paid for them; and in regard of the charges and hazards upon them, they were feldom or never esteemed more worth then 10 years purchase, and that rate at an indifferent yearly value, may wel be accepted for them.

This Answer wil please the Impropriator wel, who hath not been without his scars to lose his Tythes, and get little or nothing for them; and it cannot much displease others, because it is equal and just, that seeing he cannot have what is bought, he have his money returned without loss.

But the great difficulty seemeth the raising of so great a sum of money, and who shall pay it; for first, There are many who plead, *Our Lands are wholly tythe-free*. Others say, *We pay a Rate, or small Prescription-Rent, or have a modus decimandi, and our Tythe is very small, though our Lands be of good value*. Others say, *We have converted our Lands into Pastures, and pay little Tythe, and therefore it seems not equal that we shoul'd pay as much as those whose Lands consist of Tillage, whose Tythes are often a much worth as the Land*.

I answer, That the raising of this sum is not to follow the Rate of Tythe, nor hath it any relation to Tythe; for if it had, many would as justly scruple the payment of any thing towards it, as they do the payment of tythes: But the case must be thus considered; At the dissolution, Tythes of Abbeys, Monasteries, &c. were taken into the hand of the State, they sold them, and the money raised, went to the defraying and carrying on the great charge then upon the Nation, as it was of late in our dayes, when Tythe-Rents were sold, and at that day there were Wars with *France* and *Scot-land*, and many great Exigences of State, as the Statutes for the ground of the dissolution shews: And in the service and use of these moneys, the whole Nation, and every man therein, had his share; and so far as those moneys went, the people were spared, as the case was with us of late; and so he that had Land tythe-free, and he that paid onely a small rate for Tythes, and he that had pastures, and no tillage, all these shared in the sum, yea and the very Impropriator himself, and not according to proportion of tithing, but according to the value of their Estates in Lands or Goods, by which they had been otherwise chargeable: And so the Impropriator depositing so much money upon a pledge, the one being required, the other must be returned, and by a general tax it must be raised, wherein every one must bear his proportion, the very Impropriator himself.

But then comes in he that bought the Lands of Abbeys, &c. which he saith, *The Pope had made Tythe-free*; and that when he bought his Land, he also paid for the Tythe, and so he must either be freed from paying to the Impropriator, or must have his money returned as well as he.

I answer, Though there are many such purchasers, yet I believe to the freeing the Nation from this great and long continued oppression, they, or most part of them, would be content to contribute without any such demand. But if any stand upon it, let him shew what he paid for his tythe, and he shall have it, which was not a penny; for search the Court of Augmentations, and it will be found that there was not in the value of Land, the least difference made between Tythe-free, and that which paid Tythes; as there was not of late in the sale of Bishops, Dean, and Chapters Lands, many of which also were as much tythe-free; and so if they bought Land tythe-free, as cheape as if they had paid Tythes, they have had profit enough, and may now well afford to pay with their Neighbours.

Thirdly, To parish-Ministers.

And with these I desire a little to expostulate the matter, first, as touching the end of their work; and secondly, as to the way of their maintenance. Their work (as they pretend) is to preach the Gospel, and to propagate Religion: Now I would ask them, Why they suffer (not onely so many Villages, countrey-Towns, and Parishes, but) even great and populous Cities, and Market-Towns, and whole corners of countreys to lye destitute, who never could get any other Minister then a poor Vicar, or Reading-Curate; they will presently answer me, There is no maintenance; without that they cannot live. If I ask them further, Why there is no maintenance? they wil tell me, It is either a City or Market-town, to which there belongs no Land, and so no tythes; or it is an Impropriation, and payes onely a small stipend; or the Lands are tythe-free, or claim customs and prescriptive-
tions,

tions, and onely pay small rates for tythes, or otherwise the people have converted their arable Lands into pastures, and their tythe is of small value, and will not afford a maintenance. I would yet ask them again, is not a third part of the Nation in this condition? And must they never have an able Minister? Have they no share in your Gospel, because they have no maintenance? Are none of you called to such places? Or hath Christ no seed of Election amongst them? If this be not your Doctrine, yet your practise preacheth it. And if you were really for spreading your Gospel, and enlarging profession, you would forthwith throw away tythes; for so long as they continue, there can never be any possibility of raising maintenance in such places.

And secondly, as to their maintenance; Is there any indifference, equality, proportion, or justice in their present way of tithing? One man pleads he is to pay nothing to a Minister because the Pope hath given him a dispensation, and made his Land tythe-free. Another man saith he hath a prescription to pay but a penny (it may be) for the value of a shilling. Another saith he hath converted his Lands into pastures, and hath by his artifice so ordered it, that little is due for tythes: Another saith he dwelleth in a City or Market-Town, and hath no Lands, though it's like he gains more by trade then ten poore countrey-men that pay tythes, do by their Lands. Another saith he payes tythe to an Impropriator, and he cannot afford to pay both him

and a Minister. Is this your equal way of maintenance so long upheld and pleaded for ? and have you not a more righteous Rule ? The rich generally payes little , and the poore husbandman beares the burthen, even he that supplyes the Nation with the staffe of Bread, who is notwithstanding at more charge in his husbandry then any other ; and out of the tythe of such countrey parishes of tillage , generally great summes are paid for augmentations to Cities and Market-towns , when the inhabitants that have far greater gains by trading, go free. For shame at length follow the example of your neighbouring reformed churches, and throw away tythes as old relicks of Popery, and no longer halt between two , and betake your selves to a more Gospellike way of maintenance ; for light now breakes forth, and pretences will no longer cover:

It's like you will answer, We confess the present way of maintenance by tythes is very unequal, unlesse the whole Nation could be brought to quit all their customes and prescriptions , and pay tythes in kinde ; and also all Merchants and Tradesmen would pay the tenth part of their gains, as was by the Pope enjoyned ; but that will never be done, and therefore it's better to hold some, then lose all ; for we know not what better way would be provided: But shew us how we may have a comfortable and certain mainte-

maintenance, and more like the Gospel, and we shall most willingly quit the one, and embrace the other.

To this I answer, that there is a way, which as it would establish the Nation upon a sure foundation of true freedome (as to the conscience) giving content to all seperated Congregations, Societies and Persons, so would it upon the same Basis of Liberty, hold forth full satisfaction to all people of the Nation, both as to Ministry and Maintenance, and would be as acceptable to every one as the taking away tythes. But I have said enough at once, and when this is a little digested, the other will be more fit to be proposed.

Onely to such as fear confusion or trouble, or los to the Nation by taking away tythes, I would say a few words: Do but looke into almost every countrey town, and there shall you finde debate, strite, and variance, either between man and man, or between Parishes and their Minister, either about tythe it selfe, the quantity, or the setting it out; look into courts, and there you shall finde Suit upon Suit; and at Assizes, and before Justices of Peace, multitudes of tryals and Judgements about them. Looke into prisons, and there you shall finde not a few restrained and lying under great op-

pressions because they cannot pay them: And chele Suits and troubles are daylie encreasing, and the number of those that will not pay them; and these are no small confusions in our state; for it is evident, there are more suits, and strife, and difference about tythes, then any one thing whatloever in the Nation; and how soon might all these be ended, and every one satisfied, by taking away tythes?

And then do but look upon the many Moores, Commons, and Wastes in the Nation, amounting to a full third part of the whole, as hath been computed; to the many great Pastures and Meadows decayed for want of tillage; to the many Countreys which are turned into Pastures and Meadows, because of the great charge of tillage, husbandry, and the unreasonable payment of a clear tenth part, which in most places is halfe the profit; and it will be found nothing doth so much hinder the improvement of the Nation, which would ease the publike burthens, and would soon be of more advantage then first-fruits and tenths. Nothing so much hinders tillage, which often puts the Nation upon hazard of ruine, and forceth us to seeke bread out of other countreys at immoderate rates, when as this Nation is generally so fit for corn, that it might be as a rich Granary, not onely for our own supply, but relieve of our neighbours when they want. I might say a great deal

deal more upon this subject, but much to this purpose hath been said by others, and therefore I shall conclude.

And let no man henceforth think it strange that any should refuse to pay tythes, but rather wonder that any will do it.

This is not written for them that know the truth, but for them which know not the truth, that they might be informed from the Light which sees the truth through the Reason, to the same in the world, that the truth they may see and understand in their own Language.

The End.